

ATTACHMENT A

Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al.,

Case No. 1:11-cv-08808

PLAINTIFFS' DAMAGES TRIAL EXHIBIT LIST

Trial Exhibit No.	Document Date	Beg Bates No.	End Bates No.	Description	Objections	Basis for Admissibility	Business Record Stipulation
P-0020	9/16/2008	UE0312433	UE0312437	UEP Summary of Exports from 2000 to 2008	105; 402; 403; 802	Relevant evidence of exports. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
P-0024	8/1/2008	UE0271763	UE0271764	August 2008 Export Case Volume.	402; 403	Relevant to show exports. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
P-0026	7/31/2008	RA0045789	RA0045790	Memo to USEM members	None		Yes
P-0033	5/9/2008	RA0044404	RA0044406	Email to USEM members requesting vote on export order	105; 402; 403; 802	Relevant to show exports; Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants	
P-0048	8/17/2007	CM00448920	CM00448926	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "USEM Export"; "Dried Egg Inventory"; "Letter to Bay Area Vegans"; "Costs of Alternative Housing Systems"; "Interesting Numbers" are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
P-0052	5/31/2007	UE0094181	UE0094182	April-May 2007 Export Case Volume	402; 403	Relevant to show exports. 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
P-0053	5/30/2007	KRA00026658	KRA00026663	Greg Hinton letter to John Gregory (Kraft Foods)	105; 802; 805	Admissible under 801(d)(2)(A). Admissible against Rose Acre and UEP.	
P-0059	2/13/2007	CM00404138	CM00404139	USEM letter to Cal-Maine	None	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
P-0062	2/1/2007	UE0090761	UE0090762	February 2007 Export Case Volume	402; 403	Relevant to show exports. 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
P-0066	1/23/2007	UE0211918	UE0211919	UEP Marketing Committee Meeting Minutes.	402; 403; 805	Relevant to exports and to show plan to raise prices; Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants	Yes
P-0070	1/4/2007	RWS 000000428	RWS 000000437	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "USEM Export", "Egg Product Exports", "December 1st Flock size", "UEP's Role in a Profitable Industry" and statistics re flock size and price are admissible under 801(d)(2)(A) and (E); other portions will be redacted., including "Washington Report." Admissible against all defendants.	
P-0075	12/22/2006	MOARK0003709	MOARK0003710	Gregory email to certain producers re: Some Good News	105; 402; 403; 802	Relevant to exports; admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	

Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al.,

Case No. 1:11-cv-08808

PLAINTIFFS' DAMAGES TRIAL EXHIBIT LIST

Trial Exhibit No.	Document Date	Beg Bates No.	End Bates No.	Description	Objections	Basis for Admissibility	Business Record Stipulation
P-0076	12/21/2006	NL001760	NL001760	Gregory email to Seger and others re: List of Producers	105, 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
P-0077	12/21/2006	UE0153488	UE0153488	USEM Export Committee Conference Call Meeting Minutes	105; 402; 403; 802; 805	Relevant to exports; admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
P-0081	11/1/2006	UE0133380	UE0133383	United Voices Newsletter	802*	Articles "USEM Takes Export Order," "USEM Annual Meeting," "2007 Committee Appointments," and "Free Range" are admissible under 801(d)(2)(A) and (E); other portions will be redacted. Admissible against all defendants.	
P-0083	10/20/2006	UE0199769	UE0199769	USEM letter to UEP members	105; 402; 403	Relevant to exports; admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
P-0102	4/13/2006	UE0133640	UE0133643	UEP United Voices Newsletter	802*	Article "Supply/Demand Alert," "Egg Products," and "Flock Performance Data" are admissible under 801(d)(2)(A) and (E); other portions will be redacted. Admissible against all defendants.	
P-0279	2/16/2007	RA0000702	RA0000710	Patricia Huff email to Greg Hinton attaching UEP United Voices	105; 402; 403; 602; 701; 802; 805	Email with Article "USEM Takes Another Export" relevant to show exports and article "Industry's Largest Producers" relevant to show market power. Admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be redacted.	
P-0281	8/9/2007	RA0042926	RA0042926	USEM Export Committee Conference Call Minutes	105; 402; 802	Minutes of USEM Meeting relevant to show exports. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
P-0297	08/2007 - 09/2007	UE0095810	UE0095811	Export Case Volume Aug-Sept 2007	402; 403; 802; 901	Relevant statements to show exports; admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by unfair prejudice. Document produced by UEP. Admissible against all defendants.	
P-0312	8/1/2008	UE0316921	UE0316922	Export Case Volume August, 2008	105; 802	Relevant to show exports admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
P-0314	6/1/2008	UE0457968	UE0457971	Export Case Volume	105; 8002	Relevant to show exports; admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
P-0340	11/21/2005	KEL00022219	KEL00022229	Michael Foods Quantity Contract with Kellogg's	None		

Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al.,

Case No. 1:11-cv-08808

PLAINTIFFS' DAMAGES TRIAL EXHIBIT LIST

Trial Exhibit No.	Document Date	Beg Bates No.	End Bates No.	Description	Objections	Basis for Admissibility	Business Record Stipulation
P-0344	1/1/2009	MFI0094714	MFI0094732	Master Supply Agreement between Michael Foods and Kellogg Company	None		
P-0355	11/17/2006	MOARK0009486	MOARK0009493	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Value of a Timely Export" contains relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others will be redacted, including "Washington Report."	
P-0356	7/10/2008	MOARK-IPP-0028504	MOARK-IPP-0028505	Letter from Gene Gregory to USEM members	105; 402; 403; 802	Relevant statements admissible under 801(d)(2)(A) and (E) Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
P-0362	4/27/2007	RA0002299	RA0002306	United Voices Newsletter	802*	Articles "USEM Takes Another Export," "Cal-Maine Foods and Country Creek Farms to Acquire Arkansas Farm," "Promising Signs from Layer Flock Data" admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others to be redacted.	
P-0378	6/1/2008	UE0199756	UE0199757	Export Case Volume.	402; 403	Relevant to exports; admissible under 803(6); probative value is not substantially outweighed by unfair prejudice	
P-0379	1/1/2007	UE0199809	UE0199810	Case Volume for Exports.	402; 403	Relevant to exports; admissible under 803(6); probative value is not substantially outweighed by unfair prejudice	
P-0404	1/1/2006	UE0305320	UE0305342	2006 Edition United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks	None		
P-0405	2/19/2001	CM00416556	CM00416559	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Article "Does Your UEP Membership Provide a Return on Investment" admissible under 801(d)(2)(A) and (E). All other articles will be redacted. Admissible against all defendants, including "Washington Report."	
P-0480	4/5/2008	KEL00017409	KEL00017455	April 2008 internal Kellogg presentation titled "KNA [Kellogg North America] Procurement Update."	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
P-0482	6/11/2008	KEL00017722	KEL00017753	June 2008 internal Kellogg presentation titled "KNA [Kellogg North America] Commodity Outlook, 2008 - 2009."	402; 802; 805; 901 (highlighting) [Jenner note: replaced and sent to Defendants on 9/19/2022]	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
P-0483	1/29/2003	KEL00017925	Same	January 2003 email from Wabash Valley to Kellogg memorializing some terms of a renewed supply agreement for Kellogg's Rossville, TN plant.	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
P-0488	8/7/2003	KEL00018140	KEL00018196	August 2003 internal Kellogg presentation titled "Procurement Overview."	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	

Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al.,

Case No. 1:11-cv-08808

PLAINTIFFS' DAMAGES TRIAL EXHIBIT LIST

Trial Exhibit No.	Document Date	Beg Bates No.	End Bates No.	Description	Objections	Basis for Admissibility	Business Record Stipulation
P-0498	7/1/2008	KRA00010551	KRA00010559	2008 internal Kraft presentation	802; 805	Admissible through business record exception to hearsay (803(6))	
P-0501	5/20/2005	KRA00049855	KRA00049858	2005 letter from Bryan Hendrix at Rose Acre to Kraft's Curtis Amundson re RA's involvement in UEP's certification program.	105; 802	801(d)(2)(A), (E); admissible against all defendants.	
P-0515	3/1/2007	GMI00017136	GMI00017170	March 2007 General Mills presentation by Tiffany Mercuri, titled "Eggs."	701; 602; 802; 805	Admissible through business record exception to hearsay (803(6)); does not contain improper lay opinion--factual analysis of egg industry; foundation can be laid by corporate rep	
P-0525	5/2/2005	KRA00014700	KRA00014701	Amundson Ex. 4; Animal Welfare Task Force Charter	None		Yes
P-0555	11/22/2006	illegible number	illegible number	Gregory Ex. 80; USEM Letter to USEM Members from Gene Gregory	105, 702	702 not applicable; 801(d)(2)(A) through (E); admissible against all defendants.	
P-0568				Tran Ex. 2; undated spreadsheet listing products invoiced	None		Yes
P-0571	4/17/2007	NUCAL-08md2002-0000456	NUCAL-08md2002-0000457	Gregory Ex. 81; USEM Letter from Gregory to USEM Members	802, 901, 403, 602	801(d)(2)(A), (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by prejudicial effect. Authentic.	Yes
P-0630		KRA00045832	KRA00045841	Undated (though likely 2009) internal Kraft presentation by Scott Manion, titled "Liquid Eggs Category: Short-Term Recommendation."	802	Admissible under 803(6).	
P-0651	3/13/2001	GMI00014925	GMI00014926	Tran Ex. 14, M.G. Waldbaum Company grain based pricing quote for General Mills			
P-0694	11/7/2006	CM00406591	CM00406591	G. Gregory Letter to USEM members re changes on current export order	802 (hearsay); 602 (no foundation)	Export commitments; admissible under 801(d)(2)(A) and (E) and 803(6).	
P-0731	1/1/2003	KEL00006643	KEL00006648	2002 Kellogg Organization Chart			
P-0733	11/1/2007	KEL00014917	KEL00014942	2007 Kellogg Organization Chart			
P-0736				Group Exhibit - Urner Barry Data	402; 802; 901; 1006	Relevant, 803(6), non-hearsay purpose (effect on listener), authentic; unclear what 1006 objection could possibly be	Yes
P-0739				Group Exhibit - General Mills, Inc. transaction for January 1999 to December 2012.	None	Authentic; 803(6)	
P-0740				Group Exhibit - Kraft Foods Group, Inc. transaction data for September 2008 to August 2013.	None	Authentic; 803(6)	
P-0743				Group Exhibit - Nestle USA, Inc. transaction data for January 2000 to December 2012	None	Authentic; 803(6)	
P-0744				Group Exhibit - Rose Acre Farms transaction data for August 1999 to October 2012.	None		

Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al.,

Case No. 1:11-cv-08808

PLAINTIFFS' DAMAGES TRIAL EXHIBIT LIST

Trial Exhibit No.	Document Date	Beg Bates No.	End Bates No.	Description	Objections	Basis for Admissibility	Business Record Stipulation
P-0745				Group Exhibit - The Kellogg Company transaction data for January 2002 to December 2012.	None	Authentic; 803(6)	
P-0788	3/7/2008	MOARK-IPP-0029192	MOARK-IPP-0029196	Dent to Gentry re LRP call PEPA Annual Convention			
P-0821	1/31/2013			General Mill's Objections and Amended Answers to Defendants' First Set of Interrogatories			
P-0832	5/31/2005	KRA00027999	KRA00027999	Email from Greg Hinton to Curtis Amundson re UEP Audit Results			
P-0833	2004	KRA00046260	KRA00046315	Egg Products Supply Agreement between Kraft and Rose Acre for 2004			
P-0834	10/30/2006	KRA00016957	KRA00016957	Email from Curtis Amundson re Animal Welfare Language			
P-0835	6/28/2005	KRA00053201	KRA00053202	Egg Products Supply Agreement between Kraft and Rose Acre for 2007			
P-0880	9/11/2007	UE0004849	UE0004849	UEP Invoice for Export Loads from Rose Acre			
P-0981	9/12/2007	UE0005076	UE0005076	UEP Invoice for Export Loads - Cal-Maine			
P-0982	6/20/2008	UE0007613	UE0007613	UEP Invoice for Export Loads - Cal-Maine			
P-0983	9/24/2008	UE0008477	UE0008477	UEP Invoice for Export Loads - Cal-Maine			
P-2000	4/19/2005	GMI00032051	GMI00032052	General Mills Operations, Inc. Quantity Contract with Rose Acre Farms			
P-2001	12/14/2005	GMI00032046	GMI00032047	General Mills Operations, Inc. Quantity Contract with Rose Acre Farms			
P-2002	3/30/2006	GMI00032044	GMI00032045	General Mills Operations, Inc. Quantity Contract with Rose Acre Farms			
P-2003	12/13/2007	KEL00020294	KEL00020296	Kellogg's Quantity Contract with Wabash Valley Produce Inc.			
P-2004	7/15/2008	NES00001513	NES00001517	Nestle Supply Agreement with RBallas Egg Products (Wabash Valley)			
P-2005	12/12/2008	NES00004508	NES00004516	Nestle Quantity Contract with Rose Acre Farms			
P-2006	11/24/2023	KEL00022205	KEL00022205	Kellogg's Domestic Records			
P-2007	11/22/2023			Kraft Foods Global Inc.'s Domestic Records			
P-2008	11/24/2023	NES00004499	NES00004500	Nestle's Domestic Records			
P-2009				Plaintiff Purchases Summary Exhibit			
P-2010				Revised Exhibit 26 to Dr. Baye Report			
				Urner Barry Summary Exhibits			
D-0003	6/19/2003	GMI00014923	GMI00014923	General Mills Top Line Egg Summary			
D-0009	2/14/2007	GMI00023386	GMI00023393	United Voices			
D-0011	6/1/2007	GMI00023656	GMI00023674	General Mills Egg Pricing Strategies Presentations			
D-0013	10/10/2007	GMI00001153	GMI00001169	General Mills Egg Overview Presentation			
D-0016	4/15/2008	GMI00001000	GMI00001013	General Mills Rembrandt Strategy Review Presentation			

Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al.,

Case No. 1:11-cv-08808

PLAINTIFFS' DAMAGES TRIAL EXHIBIT LIST

Trial Exhibit No.	Document Date	Beg Bates No.	End Bates No.	Description	Objections	Basis for Admissibility	Business Record Stipulation
D-0021	1/1/2009	GMI00000968	GMI00000975	Supply Agreement between General Mills Operations, LLC and Primera Foods, Inc.			
D-0024	8/4/2010	GMI00031088	GMI00031088	Email meeting invite from Dorazio re: Betty Crocker Fresh Eggs- Education and Discussion			
D-0035	8/15/2011	GMI00030874	GMI00030891	Presentation titled: Egg Category Strategy: Putting All Our Eggs in One Basket			
D-0036	1/31/2013			General Mills, Inc.'s Objections and Amended Answers to Defendants' First Set of Interrogatories			
D-0064	1/31/2013			The Kellogg Company's Objections and Amended Answers to Defendants' First Set of Interrogatories			
D-0070	4/1/2002	KRA00048928	KRA00048928	Egg Products Supply Agreement between Kraft Foods North America, Inc. and Rose Acre Farms, Inc.			
D-0076	5/1/2004	KRA00046260	KRA00046315	Egg Products Supply Agreement between Kraft Foods and Rose Acre Farms			
D-0090	8/1/2005	KRA00045829	KRA00045831	Kraft Foods Global Inc./Rose Acre Farms Inc. Amendment to Egg Product Supply Agreement			
D-0095	4/1/2006	KRA00000019	KRA00000038	Kraft Draft Animal Welfare Policy and Program Recommendation			
D-0120	5/22/2008	KRA00026759	KRA00026759	Egg Product Supply Agreement Amendment between Kraft and RAF (legible)			
D-0122	5/22/2008	KRA00045811	KRA00045814	Egg Product Supply Agreement Amendment between Kraft and RAF with transmittal email			
D-0141	1/31/2013			Kraft Foods Global, Inc.'s Objections and Amended Answers to Defendants' First Set of Interrogatories			
D-0156	12/13/2006	NES00004540	NES00004544	Blanket Contract between Rose Acre and Nestle			
D-0159	8/15/2008	NES00004529	NES00004533	Blanket Contract between Rose Acre and Nestle			
D-0173	1/31/2013			Nestle USA, Inc.'s Objections and Amended Answers to Defendants' First Set of Interrogatories			
D-0175	7/10/2014			Nestle USA, Inc. Stipulation			
D-0444	2/25/2003	UE0169475	UE0169476	Letter from Pope to Sanger re: Animal Activist United Poultry Concerns (UPC)			
D-1217	1/19/2010	KRA00046002	KRA00046008	Email from Manion to Moon and Delea et al. re: Animal Welfare Messaging			
D-1220	7/6/2010	KRA00047596	KRA00047598	Email from Manion to Diercks re: Agenda and Expectations for Capabilities Presentation to Kraft Foods			

Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al.,
Case No. 1:11-cv-08808

PLAINTIFFS' DAMAGES TRIAL EXHIBIT LIST

Trial Exhibit No.	Document Date	Beg Bates No.	End Bates No.	Description	Objections	Basis for Admissibility	Business Record Stipulation
D-1221	7/6/2010	KRA00047584	KRA00047586	Email from Manion to Weinberg re: Agenda and Expectations for Capabilities Presentation to Kraft Foods			
D-1227		GMI00032605	GMI00032612	General Mills Inter-Business Egg Material Category Management: Business Case Summary-Status			